



H.R. 415 – To amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts as a component of the National Wild and Scenic Rivers System

EXECUTIVE SUMMARY

H.R. 415 was introduced by Representative Barney Frank (D-MA) and reported by voice vote from the Committee on Natural Resources on June 25, 2008. The bill is expected to be considered on the floor under a structured rule on July 16, 2008.

The bill would designate a segment of the Taunton River in Massachusetts as a Wild and Scenic River. This part of the Taunton River has been authorized by the Federal Energy Regulatory Commission (FERC) for the construction and operation of a new import liquefied natural gas (LNG) facility. If the river is designated as Wild and Scenic, the LNG facility will be blocked from being built.

According to the Dissenting Views of the Committee Report, "H.R. 415 is a shameful abuse of the Wild and Scenic Rivers Act. We recognize that the Commonwealth of Massachusetts does not have the same understanding of property rights as do States in the West, and we also recognize its right to place itself under additional regulatory burdens. However, we must oppose this bill because it exacerbates the energy crisis at a time when we should be expanding our ability to provide clean, reliable sources of fuel."

The Congressional Budget Office estimates that "based on information provided by the National Park Service and assuming the availability of appropriated funds, CBO estimates that the agency would spend about \$150,000 a year to manage the designated areas."

FLOOR SITUATION

H.R. 415 is being considered on the floor under a structured rule. The Rule:

- Provides one hour of general debate equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on Natural Resources.
- Waives all points of order against consideration of the bill except for clauses 9 (Earmarks) and 10 (PAYGO) of rule XXI.
- Provides that the amendment in the nature of a substitute recommended by the Committee on Natural Resources, now printed in the bill, shall be considered as an original bill for the purpose of amendment and shall be considered as read.
- Waives all points of order against the amendment in the nature of a substitute except for clause 10 of rule XXI. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure).
- No amendment shall be in order except those amendments printed in the Rules Committee report accompanying the resolution.
- Provides that the amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read,



shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

- Waives all points of order against the amendments printed in the report except for clauses 9 and 10 of rule XXI.
- Provides one motion to recommit with or without instructions.
- Provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.
- Takes from the Speaker's table S. 2602 (the Native American Housing Assistance and Self-Determination Reauthorization Act of 2007). Adopts an amendment in the nature of a substitute consisting of the text of H.R. 2786 as passed by the House, passes S. 2602 as amended, and provides that the House insists on its amendment and requests a conference with the Senate.

**Note: The rule self enacts a motion to go to conference on H.R. 2786. The rule limits the debate on the motion to go to conference and denies Republicans a separate vote on the motion, but it does not deny Republicans a Motion to Instruct conferees. H.R. 2786 was passed by the House on September 6, 2007, by a vote of [333 to 75](#). ([Legislative Digest for H.R. 2786](#))*

This legislation was introduced by Representative Barney Frank (D-MA) on January 11, 2007. The bill was ordered to be reported, as amended, by the Committee on Natural Resources by voice vote on June 25, 2008.

**Note: The bill was previously expected to be considered during the week of July 7, 2008, but was removed from the schedule prior to consideration.*

H.R. 415 is expected to be considered on the floor of the House of Representatives on July 16, 2008.

BACKGROUND

On July 15, 2005, the Federal Energy Regulatory Commission (FERC) authorized the construction and operation of a new import liquefied natural gas (LNG) terminal and related facilities in Fall River, Massachusetts. The LNG terminal and pipelines were proposed by Weaver's Cove LNG.

Following the authorization, several groups, including the City of Fall River, MA, the Rhode Island Attorney General, the Massachusetts Energy Facilities Siting Board, and the Conservation Law Foundation, petitioned the government for a rehearing of the decision. On January 23, 2006, FERC denied the petitions for a rehearing and reaffirmed that Weaver's Cove LNG should be allowed to construct a new LNG terminal on the Taunton River in Massachusetts.

According to FERC, the Weaver's Cove LNG terminal would bring up to 800 million cubic feet of gas per day of new service to customers in New England. FERC's original order required Weaver's Cove to have the facility completed within 5 years or by July 15, 2010, however the deadline was recently extended to November 1, 2015.

The Wild and Scenic Rivers Act provides three separate designations for rivers: wild, scenic, or recreational. According to the National Wild and Scenic River System, a river, or section of river, is designated wild if it is free of impoundments, has primitive shorelines, is only accessible by trails, and has unpolluted waters. Scenic rivers have largely undeveloped shorelines, may be accessible by roads in



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places, and are more developed than wild rivers. Rivers are designated as recreational if they are readily accessible by road, have some development along the shoreline, and may have had some impoundment or diversion (like a dam) in the past. If a river receives a Wild and Scenic River designation, no new dams may be constructed and federally assisted water resource development projects would not be allowed.

SUMMARY

H.R. 415 would designate a segment of the Taunton River from the confluence of the Town River and the Matfield River in Bridgewater to the Mount Hope Bay in the city of Fall River, Massachusetts, as a Wild and Scenic River.

**Note: According to the Dissenting Views of the Committee Report, "Many Members of Congress may not be aware of the unique nature of the Taunton River. While the upper segment of the River has some of the characteristics you may attribute to a 'wild' or 'scenic' river, the lower portion is highly industrialized. In fact, the National Park Service stated this would be the 'most industrialized' Wild and Scenic River ever. What beautiful scenery should one expect to find on a canoe trip down the Lower Taunton? Among other sights, you will see power plants, oil refineries, vessel repair docks, shipyards, dilapidated bridges, a battleship museum, yacht clubs, a designated port area, street lights, a hair salon, and even a McDonald's."*

AMENDMENTS MADE IN ORDER

- 1) Representative Rob Bishop (R-UT): Would remove from the bill the designation as a recreational river of a 9-mile segment of the Taunton River from Muddy Cove to the confluence with the Quequechan River at the Route 195 Bridge in Fall River.
- 2) Representative Heath Shuler (D-NC): Would amend the bill to state that nothing in this Act shall be construed as affecting the authority, jurisdiction, or responsibility of the Commonwealth of Massachusetts to manage, control, or regulate fish and resident wildlife under State law or regulations including the regulation of hunting, fishing, trapping, and recreational shooting, and that nothing in the Act shall be construed as limiting access for hunting, fishing, trapping, or recreational shooting.
- 3) Representative Stevan Pearce (R-NM): (REVISED) Would require the Secretary of the Interior to report to Congress on the energy resources available on the lands and waters included in the segments of the Taunton River designated by the bill.
- 4) Representative Nancy Boyda (D-KS): Would require that nothing in the bill impact the supply of domestically-produced energy resources.

ADDITIONAL VIEWS

According to the Dissenting Views of the Committee Report, "H.R. 415 is a shameful abuse of the Wild and Scenic Rivers Act. We recognize that the Commonwealth of Massachusetts does not have the same understanding of property rights as do States in the West, and we also recognize its right to place itself under additional regulatory burdens. However, we must oppose this bill because it exacerbates the energy crisis at a time when we should be expanding our ability to provide clean, reliable sources of fuel....So why is this area targeted for designation? Proponents of the designation know that a designation under the Wild and Scenic Rivers Act will stop the planned liquefied natural gas terminal at Weaver's Cove. Natural gas is a clean-burning source of energy that is desperately needed as our crisis



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continues to deepen. As previously stated, New England can do whatever damage it sees fit to itself (although come February, this source of home heating would be most welcome), but to punish the rest of the country by eliminating yet another source of energy is unacceptable.”

ADDITIONAL RESOURCES

[Aerial Photo of Taunton River](#)

COST

According to the Congressional Budget Office Cost Estimate, “Based on information provided by the National Park Service and assuming the availability of appropriated funds, CBO estimates that the agency would spend about \$150,000 a year to manage the designated areas. Enacting H.R. 415 would not affect direct spending or revenues.” ([CBO Cost Estimate](#))

STAFF CONTACT

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